

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Case No. BT 15-01621
Chapter 7

JAMES F. WYNN,

Debtor.

_____ /

SECOND ORDER
FINDING DEBTOR, JAMES F. WYNN, IN CONTEMPT OF COURT

PRESENT: HONORABLE JAMES W. BOYD
United States Bankruptcy Judge

On February 14, 2018, this court entered an Order Finding Debtor, James F. Wynn, in Contempt of Court. (Dkt. No. 183) Debtor, James F. Wynn, was allowed to purge himself of the contempt by providing the Chapter 7 Trustee certain documents and appearing for a Rule 2004 examination by February 28, 2018. The Order also scheduled a hearing to determine whether Mr. Wynn had purged his contempt or show cause why has not purged his contempt. That hearing took place in the bankruptcy courtroom, in Traverse City, Michigan on March 8, 2018. Kevin M. Smith, Esq. appeared for Kelly M. Hagan, Chapter 7 Trustee. Debtor failed to appear at the March 8, 2018, hearing, and according to Mr. Smith's representations, the Debtor had not purged his contempt. This Court finding that service was properly executed on the Debtor, the Debtor having failed to comply with court orders; and this Court being otherwise fully advised in the premises;

IT IS ORDERED THAT:

1. **The Debtor, James F. Wynn, continues to be in civil contempt of the Order for 2004 Examination entered on December 7, 2017.**
2. **The Court finds the Debtor, James. F. Wynn, is also in contempt of the January 27, 2018, Order Scheduling Hearing, which ordered Mr. Wynn to appear.**
3. The findings of contempt may be purged by the Debtor as follows:

- a. Compliance with the Order for 2004 Examination by no later than **April 13, 2018; and**
 - b. Payment to the law firm of Beadle Smith, PLC, 445 South Livernois, Suite 305, Rochester Hills, MI 48307, attorney fees in the amount of Five Hundred (\$500.00) Dollars, for reimbursement of actual attorney fees and costs in pursuing the turnover of the documents and request for Rule 2004 examination required by prior court order; **and**
 - c. Payment to the trustee of Twenty Five (\$25.00) Dollars per day commencing on the date of entry of this Order, until he fully complies with the Order for 2004 Examination. Such amounts shall be paid to Trustee Kelly M. Hagan, in care of the law firm Beadle Smith, PLC, 445 South Livernois, Suite 305, Rochester Hills, MI 48307.
3. A further hearing shall be held on **Wednesday, May 2, 2018 at 10:00 a.m.** at the United States Bankruptcy Court, 3249 Racquet Club Drive, Traverse City, Michigan. **The Debtor, James F. Wynn, shall appear at said hearing and show that he has purged his contempt or show cause why he has not purged his contempt and why this Court should not impose further measures to enforce its orders. Debtor's failure to purge himself of this contempt may result in this Court entering an order for the United States Marshal to apprehend the Debtor and bring him before the Court for examination.**

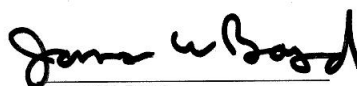
IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order pursuant to FED. R. BANKR. P. 9022 and LBR 5005-4 upon the Debtor; Kevin M. Smith, Esq., attorney for Kelly M. Hagan, Chapter 7 Trustee; and the Office of the United States Trustee.

END OF ORDER

IT IS SO ORDERED.

Dated March 19, 2018




James W. Boyd
United States Bankruptcy Judge